

Message Text

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TO USMISSION IAEA VIENNA PRIORITY

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E.O. 11652: N/A

TAGS: TECH, IAEA

SUBJ: COMMENTS ON REDRAFT OF US-IAEA SAFEGUARDS AGREEMENT

REFS: VIENNA 8700, 8523, 8400; STATE 187563, 185514

1. BELIEVE MISSION'S REDRAFT OF US-IAEA SAFEGUARDS AGREEMENT REPRESENTS IMPROVEMENT ON EARLIER DRAFT. FOLLOWING ARE OUR SPECIFIC COMMENTS:

A. MOVE NEXT TO LAST WHEREAS CLAUSE, WHICH COMMENCES

"WHEREAS THE UNITED STATES HAS MADE THIS OFFER FOR THE PURPOSE OF ..." UP TO BECOME FIFTH WHEREAS CLAUSE.

B. REVISE NEW SIXTH WHEREAS CLAUSE TO READ AS FOLLOWS:

"WHEREAS THE PURPOSE OF A SAFEGUARDS AGREEMENT GIVING LIMITED OFFICIAL USE

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EFFECT TO THIS OFFER BY THE UNITED STATES WOULD THUS

DIFFER NECESSARILY FROM THE PURPOSES OF SAFEGUARDS AGREEMENTS CONCLUDED BETWEEN THE AGENCY AND NON-NUCLEAR WEAPONS STATES PARTY TO THE TREATY."

C. REARRANGE NEW SEVENTH WHEREAS CLAUSE TO READ AS FOLLOWS: "WHEREAS IT IS IN THE INTEREST OF MEMBERS OF THE AGENCY THAT, WITHOUT PREJUDICE TO THE PRINCIPLES AND INTEGRITY OF THE AGENCY'S SAFEGUARDS SYSTEM, THE EXPENDITURE OF THE AGENCY'S FINANCIAL AND OTHER RESOURCES FOR IMPLEMENTATION OF SUCH AN AGREEMENT NOT EXCEED THAT NECESSARY TO ACCOMPLISH THE PURPOSE OF THE AGREEMENT."

D. ARTICLE 1 B - PART I - DELETE WORD "ALL" BETWEEN "
(8 5
9*" AND "FACILITIES," AND CHANGE WORD "IN" TO "TO" SO PHRASE READS "NATIONAL SECURITY SIGNIFICANCE TO THE UNITED STATES."

E. ARTICLE 2A - INSERT WORDS "PARTS I AND II OF" BETWEEN "THE TERMS OF" AND "THIS AGREEMENT."

F. ARTICLE 2B - INSERT "PARTS I AND II OF" BETWEEN "TERMS OF" AND "THIS AGREEMENT." WE QUESTION NEED FOR PHRASE "ON ALL SOURCE OR SPECIAL FISSIONABLE MATERIAL" AT END OF PARAGRAPH.

G. ARTICLE 3C - INSERT "THE SAME" BETWEEN "IMPLEMENTED BY" AND "PROCEDURES" AND DELETE "IDENTICAL TO THOSE." INSERT "BY THE AGENCY" BETWEEN "FOLLOWED" AND "IN APPLYING ITS SAFEGUARDS."

G. ARTICLE 13 - WE NOTE REFERENCE IS MADE TO PROCEDURES PRESCRIBED IN PROTOCOL, AND WE ARE UNABLE TO IDENTIFY SUCH PROCEDURES. WILL ATTEMPT DRAFT ALTERNATIVE LANGUAGE AND CABLE EARLY NEXT WEEK.

I. ARTICLE 19 - BELIEVE SHOULD MAINTAIN PREVIOUS LANGUAGE. TEXT GIVES AGENCY POWER TO TAKE ACTION DESCRIBED. BELIEVE WE CAN DISTINGUISH US SITUATION FROM SITUATION LIMITED OFFICIAL USE

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OF OTHERS, IN THIS PLACE AS IN OTHER PORTIONS OF AGREEMENT (REF VIENNA'S 8523, PARAGRAPH 18).

J. ARTICLE 28 - DELETE WORD "ASSURE" AND REPLACE WITH "PROVIDE FOR." INSERT "THE SAME" BETWEEN "BY" AND "PROCEDURES," AND DELETE PHRASE "IDENTICAL TO THOSE."

K. ARTICLE 34B - ADD "PURSUANT TO ARTICLE I B," BETWEEN

"UNITED STATES," AND "FACILITIES." ADD "AS THE CASE
MAY BEVZ BETWEEN "LIST" AND "PROVIDED." ASSUME COMMA
SHOULD SEPARATE "ARTICLE 2B," AND "THE PROVISIONS."

L. ARTICLE 40 - REF STATE 187563, PARA 2(G), WE NOT
PREPARED INCLUDE NEW PROPOSED PARA D IN ARTICLE 40 RE
APPLICATION SAFEGUARDS PROCEDURES TO NUCLEAR MATERIAL
LISTED IN INVENTORY EVEN IF SUBSIDIARY ARRANGEMENTS
NOT IN EFFECT, AS IT GOES BEYOND CURRENT AEC
AUTHORIZATION RE LANGUAGE THIS POINT. THEREFORE,
PARA D SHOULD BE DELETED AND "E" RENUMBERED "D" IN
CURRENT DRAFT TEXT.

M. ARTICLE 40E - REPLACE PORTION OF PARA AFTER "PURSUANT
TO ARTICLE 39B(III)" WITH "THE APPLICATION OF SAFE-
GUARDS IN SUCH FACILITIES UNDER THIS AGREEMENT SHALL
TERMINATE UPON SUCH DESIGNATION TO THE UNITED STATES."

N. ARTICLE 42 - ASSUME FIRST REFERENCE TO ARTICLE 39(I)
OR (II) IN NEW FIRST PARA SHOULD BE ARTICLE 39B (I) OR
(II). SUGGEST "RELEVANT" BE DELETED AS IT NOT CLEAR
WHAT A "RELEVANT" SUBSIDIARY ARRANGEMENT WOULD BE WITH
RESPECT TO A NEW FACILITY.

O. ARTICLE 62 - NOT CLEAR WHY IT PROPOSED WORD "NUCLEAR"
BE DELETED SINCE "NUCLEAR MATERIAL" DEFINED IN INFCIRC/
153 AND WILL BE USED IN IMPLEMENTING AGREEMENT.

2. REF PARA 25, VIENNA 8700, PREFER NOT USE "FILLER"
MATERIAL FROM PROTOCOL FOR PARAS 49 AND 50 OF AGREEMENT.

3. COMMENTS ON REVISED PROTOCOL CONTAINED IN IAEA VIENNA
9274 BEING SEPTTEL.
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.4. MISSION MAY PROVIDE REVISED TEXT TO AGENCY AT TIME IT
DEEMS APPROPRIATE. RUSH

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